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Letter dated 18 May 2006 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General

On behalf of the Government of the Republic of Paraguay, host of the South American Conference on Migration held on 4 and 5 May 2006, I have the honour to transmit to you the Asunción Declaration, which was adopted on 5 May 2006 in Asunción, Paraguay (see annex).

I should be grateful if you would have the Declaration circulated in all the official languages of the United Nations as a contribution by the sixth South American Conference on Migration to the high-level dialogue to be conducted during the sixty-first session of the General Assembly next September.

(*Signed*) Eladio **Loizaga**
Ambassador
Permanent Representative

* A/61/50 and Corr.1.

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Annex to the letter dated 18 May 2006 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General

[Original: Spanish]

Asunción Declaration

We, the representatives of the Argentine Republic, the Republic of Bolivia, the Federative Republic of Brazil, the Republic of Chile, the Republic of Colombia, the Republic of Ecuador, the Republic of Paraguay, the Republic of Peru, the Republic of Suriname, the Eastern Republic of Uruguay and the Bolivarian Republic of Venezuela, having met together at the sixth South American Conference on Migration:

Reaffirming our commitment to comply fully with the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the American Convention on Human Rights; the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Belém do Pará Convention); the Programme of Action of the International Conference on Population and Development (Cairo, 1994); as well as other international instruments on human rights ratified by our States;

Emphasizing the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Convention against Transnational Organized Crime, as well as its two Protocols on the Smuggling of Migrants and Trafficking in Persons;

Underscoring the resolutions adopted by our States within the framework of the United Nations[1] and the Organization of American States[2] and Advisory Opinions OC-16/99 and OC-18/03 of the Inter-American Court of Human Rights;

Taking into account the commitments made at the fourth Summit of the Americas and the fifteenth Ibero-American Summit of Heads of State and Government;

Bearing in mind the Santiago Declaration on migration principles (16 May 2004); the Montevideo Declaration against trafficking in persons in the Southern Common Market (MERCOSUR) and associated States (16 November 2004); the Asunción Declaration on trafficking in persons and smuggling of migrants (8 June 2001); the Agreement on residency for the nationals of the States members of MERCOSUR and the associated States Bolivia and Chile (6 December 2002); the Agreement concerning the smuggling of migrants among the States members of MERCOSUR and the associated States Bolivia and Chile (6 June 2003); the Asunción Protocol on the commitment of MERCOSUR to the promotion and protection of human rights (20 June 2005) and other documents regarding this issue and adopted in the context of MERCOSUR, as well as the Andean Charter for the

[1] General Assembly resolutions 60/206, 60/169, 59/194 and 40/144, among others.

[2] Resolutions AG/RES. 2130 (XXXV-O/05); AG/RES. 2141 (XXXV-O/05); AG/RES. 2027 (XXXIV-O/04); AG/RES. 1928 (XXXIII-O/03); AG/RES. 1898 (XXXII-O/02); AG/RES. 1775 (XXXI-O/01); and AG/RES. 1717 (XXX-O/00), among others.

Promotion and Protection of Human Rights and other advances made in many decisions of the Andean Community on migration matters;

Considering the convergence of interests and aspirations of the Presidents of the States members of the South American Community of Nations as shown by the Ayacucho, Cusco and Brasilia Declarations;

Recalling the South American Meeting on Migration, Integration and Development, the previous South American Conferences on Migration and the importance of the consensus reached at the successive Conferences;

Bearing in mind that the Millennium Declaration expresses a renewed commitment to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families; to eliminate the increasing acts of racism and xenophobia in many societies; and to promote greater harmony and tolerance in all societies;

Reaffirming the commitments that States have made to provide and promote international protection for refugees, asylum-seekers and displaced persons, as stipulated in the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto, and other international instruments on the matter;

Considering that the South American region comprises countries of origin, transit, and/or destination for migrants;

Considering, above all, that South American countries attach great value to the waves of immigration to the region, which have made invaluable cultural, economic, and social contributions to the building of our countries;

And considering that, since our region is now also a source of migration, the situation of our nationals in third countries is a cause for concern, and hence we are requesting that they should be accorded treatment equal to that received by nationals of these countries in our territories;

And considering that, while the right of every person to emigrate is recognized, it is the duty of our Governments and societies to generate conditions that would avoid the emigration of our nationals, who represent human capital indispensable for the future of our economic and social development;

And considering that, as a result of the foregoing, there have been significant developments in the regional context of MERCOSUR, the Andean Community of Nations and the South American Community of Nations, as well as the adoption of unilateral measures by some States in such important aspects as:

– Facilitated procedures for granting residency;

– Regularization of the status of migrants;

– Freedom of movement;

– Efforts to combat smuggling of migrants and trafficking in persons;

– Documentation of migrants;

– Equal treatment of nationals and aliens;

– Respect for the cultural diversity of migrants;

– Mechanisms for coordinating migration management between countries of origin and destination within the region;

– Harmonization of rules on matters of migration;

– Protection of migrants against a variety of discriminatory practices and forms of labour exploitation;

– Rejection of the criminalization of the status of migrants in an irregular situation;

– Bilateral cooperation for the orderly management of migratory flows and other types of multilateral cooperation on migration;

– Recognition of civil, economic, social and cultural rights;

And considering that, on the basis of that experience, the South American countries urge the international community to work towards migration policies that are grounded on the ethical consideration of respect for human rights and directed towards the integral development of individuals and their societies;

Recognizing the desire of our countries to present a common position at the high-level dialogue on international migration and development to be held in New York on 14 and 15 September 2006 during the next session of the United Nations General Assembly and at other forums:

Declare

That we reaffirm the following basic goals on migration matters:

1. To ensure full respect for the human rights of migrants, especially migrant women and unaccompanied minors, regardless of their immigration status, within the legal framework of each country and in accordance with universal principles and international and regional instruments for the protection of persons, in particular by:

(a) Encouraging all the countries of the region and of other regions of the world to consider signing, ratifying and/or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Convention against Transnational Organized Crime along with its two Protocols on Smuggling of Migrants and Trafficking in Persons, laying a special emphasis on the protection of women and children who emigrate as family members against violation or denial of their human rights, in acknowledgement of the vital importance of family reunification;

(b) Urging the Governments of receiving countries to make every effort to regularize the status of migrants in an irregular situation;

(c) Working to achieve recognition by both countries of origin and countries of destination of the rights of migrants to a broader citizenship (the right to vote when national legislation so allows), in both their countries of origin and countries of destination.

2. To include, as a matter of priority, the topic of migration and development in the agendas of bilateral, regional and international meetings, with particular emphasis on the following:

(a) Poverty and a lack of opportunities, as well as income gaps and discrepancies in living conditions among regions, as some of the fundamental causes of migration;

(b) The need to mainstream migration issues into other international agendas relating to issues affecting the causes of population movements, such as international trade, human development, the environment, the use of technologies, international cooperation for co-development, health and employment;

(c) Strengthening cooperation between receiving countries and the countries of origin of migrants in order to enhance the legality and management of migratory flows.

3. To promote coordinated and consensus-based efforts among States in order to achieve good migration governance by:

(a) Reaffirming the valuable contribution made by migrants in host countries and the need to foster programmes in those countries to facilitate the integration of migrants, while respecting cultural identities and preventing discrimination, xenophobia and racism;

(b) Emphatically rejecting efforts to criminalize irregular immigration status and to treat it as an act punishable by criminal law;

(c) Strengthening ties between emigrants and their countries of origin, in order to promote the transfer of skills and investment opportunities and thereby contribute to the development of their communities, the preservation of their culture of origin and the organization of migrant communities in host societies;

(d) Formulating and implementing special programmes to facilitate the voluntary and assisted return of nationals abroad;

(e) Facilitating and promoting a reduction in the costs of remittance transfers, by acknowledging that they are private flows of funds towards countries of origin;

(f) Recognizing that some of the returns on public investment in education by developing countries are transferred to countries of destination and ensuring that the flow of highly skilled emigrants, in particular, is taken into account in the relevant areas of international negotiation and cooperation, irrespective of any official development assistance;

(g) Promoting measures to facilitate family reunification;

(h) Scaling up efforts to combat, on the basis of the principle of shared responsibility and giving particular consideration to the vulnerability of victims, smuggling of migrants, trafficking in persons, trafficking in children and related transnational crimes, in accordance with international instruments and within the framework of regional cooperation, and defining such acts as crimes under the respective national legislations so that they may be combated effectively;

(i) Inviting civil society representatives to contribute towards the formulation, implementation and monitoring of policies and programmes relating to migration;

(j) Strengthening dialogue and concerted political action in all existing regional forums and establishing, to that end, annual meetings of the South American Conference on Migration;

(k) Reiterating the need to intensify the existing coordination and cooperation among international bodies dealing with the issue of migration.

4. We, the participating countries, entrust the Presidency *pro tempore* of the Republic of Paraguay with the task of transmitting this Declaration to the President of the United Nations General Assembly as South America's contribution to the high-level dialogue; to the Ibero-American Secretariat as input for the Ibero-American Meeting on Migration to be held in Madrid, Spain, on 18 and 19 July; and to the Special International Ministerial-level Conference of Developing Countries with Substantial Migrant Flows, which will take place in Lima, Peru, on 15 and 16 May.

5. We call on the various international organizations to assist the countries of the region to fulfil their commitments.

6. We thank the Bolivarian Republic of Venezuela for offering to host the seventh South American Conference on Migration, which will take place in 2007. The exact date and time will be confirmed by the Presidency *pro tempore*.

7. We draw attention to and express our gratitude for the valuable, ongoing and vital cooperation of the International Organization for Migration and, recognizing the Organization's role as an agency of great influence in matters relating to migration, requests it to continue to serve as technical secretariat of the Conference.

8. We stress the continued need for the South American Conference on Migration as a valuable forum for cooperation and dialogue between Governments and civil society, and we highlight the important contributions made by observers and representatives of international organizations.

9. We draw attention to the extremely effective work of the Presidency *pro tempore* and express our gratitude to the Government and people of Paraguay for the excellent organization of the sixth South American Conference and for the warm hospitality extended to participants.

10. This Declaration consists of a comprehensive set of commitments, which complement and reinforce those already made by the South American Conference on Migration.

Asunción, 5 May 2006

Heads of delegation signing the Declaration

(*Signed*) Ambassador Félix **Córdova Moyano**
Director General of Consular Affairs of the Ministry of
Foreign Affairs, International Trade and Worship
Argentina

(*Signed*) Ambassador Mauricio **Dorfler Ocampo**
Deputy Minister for Foreign Affairs
Bolivia

(*Signed*) Luis Paulo **Teles Ferreira**
Executive Secretary of the Ministry of Justice
Brazil

(*Signed*) Ambassador Alberto **Van Klaveren Store**
Deputy Minister for Foreign Affairs
Chile

(*Signed*) Nancy **Benítez**
Director of Consular Affairs and Colombian Communities Abroad
Colombia

(*Signed*) Ambassador Ximena **Martínez de Pérez**
Under-Secretary for Migratory and Consular Affairs
Ecuador

(*Signed*) Ambassador Mario **Sandoval**
Director General of Multilateral Policy of the Ministry of Foreign Affairs
Paraguay

(*Signed*) General (R) Diómedes Hernánde **Díaz Horna**
Peru

(*Signed*) Nel **Stadwijk-Kappel**
Political Adviser
Suriname

(*Signed*) Ambassador Alvaro **Portillo Rodriguez**
Uruguay

(*Signed*) Alexis **Benavides**
Director of Migration and Border Zones, representing the
Ministry of the Interior and Justice
Bolivarian Republic of Venezuela